



US Army Corps
of Engineers

PUBLIC NOTICE

NUMBER: 23219N DATE: May 19, 1998
RESPONSE REQUIRED BY: June 19, 1998

Regulatory Branch
333 Market Street

San Francisco, CA 94105-2197 PERMIT MANAGER: DAVID AMMERMAN PHONE: 707-443-0855 dammerman@smtp.spd.usace.army.mil

1. INTRODUCTION: Gary Barker, 1210 Broadway, Eureka, California 95501, through his agent, Winzler and Kelly Engineering and Consulting (contact: Misha Schwarz at 707-443-8326) has applied for a Department of the Army permit to place 783 cubic yards (CY) of soil and asphalt fill onto 0.22 acres of seasonal wetland for development of an automobile dealership at 4320 Broadway, in the City of Eureka, Humboldt County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. PROJECT DESCRIPTION: As shown in the attached drawings, the applicant plans to develop 4.1 acres on a 4.7 acre parcel to construct a 25,000 square foot, two story auto sales and service center. Approximately 121,000 square feet would require one to two feet of engineered base fill. The project would fill 9,533 square feet or approximately 0.22 acres of freshwater, seasonal wetlands. Fill material on the wetlands would come from a wetland mitigation area located on City of Eureka property west of the city water treatment plant and south of the project site. Soil excavated from the proposed mitigation area would be used for placing 177 CY of engineered fill (gravel road base 0.50 foot deep) onto the wetlands plus 71 CY of asphalt from a commercial source would be placed in a layer 0.20 feet deep. An additional 139 CY of sandy soil from the mitigation area would be used to extend an existing earthen berm to fill a portion of the seasonal wetlands. The berm between the west end of the parcel and the bay shoreline/ deciduous woodlands, would be extended southward.

The applicant states the area of fill (4.1 acres overall and 0.22 acres of wetland fill) is the minimum necessary to satisfy Chrysler Corporation standards for development of a combination Chrysler, Plymouth, Dodge, and Volvo franchise, with adequate exposure and access.

The applicant's agent, Winzler and Kelly Consulting Engineers, has prepared a Wetland Mitigation and Monitoring Plan for APN 019-261-03, dated February 1998. A copy of this mitigation plan can be obtained from Winzler & Kelly or the plan can be reviewed in the Eureka Field Office of the Corps of Engineers. Discussion of wetlands impacts and the mitigation plan proposals can be found in the Preliminary Environmental Assessment attached to this Public Notice under the heading, "Wetlands (Special Aquatic Site)".

3. STATE APPROVALS: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. On March 18, 1998, the applicant has filed a Request for Certification with the California Regional Water Quality Control Board (RWQCB), North Coast Region. RWQCB action is pending. A waiver of water quality certification shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California

Regional Water Quality Control Board, North Coast Region, 5550 Skylane Blvd, Suite A, Santa Rosa, Ca 95403 by the close of the comment period of this public notice.

4. PRELIMINARY ENVIRONMENTAL ASSESSMENT: The Corps of Engineers has assessed the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Preliminary Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1) PHYSICAL/CHEMICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Substrate - Current substrate is artificial, imported fill up to 18 feet deep placed in the early 1950's. Prior to the time of fill placement and prior to construction of the city's wastewater treatment plant, the site was historic tidelands at or below the ten foot contour (above Mean Sea Level) (see Sheet 1 of 6). The proposed car dealership project would involve placement of 783 CY of fill on top of the existing artificial fill including sandy soil imported from the proposed mitigation area. To construct a gravel road base, 396 CY of fill would be excavated from the mitigation area and placed in a layer, 0.50 feet deep, over the 9,533 square feet of wetlands (approximately 120,000 square feet total over the entire site). A 0.20 foot layer (71 CY) of asphalt from commercial sources would be placed on top of the gravel road base. In addition, 139 CY of fill excavated from the mitigation site would be used to extend an existing earthen berm over a portion of

wetlands (See sheet 3 of 6). The placement of 783 CY of fill onto the existing substrate would be a major, long-term, impact on substrate.

Water Quality - There would be short-term, minor adverse impacts to Humboldt Bay waters and adjacent wetlands due to turbidity/siltation from the proposed project. The existing drainage ditches would be modified for reception of stormwater runoff from the facility and features such as oil/water separators (see Sheet 4 of 6) would be added to the stormwater drainage plans.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Wetlands (Special Aquatic Site) - Situated between the existing earthen berm and upland vegetation at the north and south property boundaries are two separate seasonal, freshwater wetlands (See Sheet 3 of 6 and 4 of 6 for wetlands location). The small wetland to the north is dominated by a dense growth of slough sedge (Carex obnupta), California blackberry, silverweed (Potentilla anserina ssp. pacifica), nootka rose (Rosa nutkana), and sweet vernal grass (Winzler and Kelly, 1997). The second seasonal wetland to the south end of the property contains a dense cover of water parsley (Oenanthe sarmentosa), California blackberry, aster, and buttercup (Ranunculus repens). Both seasonal wetlands include tree cover including: coastal willow (Salix hookeriana), pacific willow (Salix lasiandra), and red alder (Alnus rubra). These wetlands are located adjacent and east of the existing berm in low elevation portions of the property where the wetlands receive direct rainfall and runoff from adjacent properties and drainage ditches during stormwater overflow. Combined, the wetland areas total 0.22 acres. The fragmented nature of these two wetland areas and the intermittent availability of water to sustain the existing wetland vegetation limit these areas' value as habitat for aquatic organisms or wildlife. The loss of 0.22 acres of wetlands on the Barker property due to the proposed project construction would be a long-term, minor adverse impact on seasonal wetlands at the site.

Wetland Mitigation - To compensate for the loss of 0.22 acres of seasonal wetlands, the applicant's agent proposes to mitigate for the loss at a 1:1 ratio by constructing a wetland site west of the City of Eureka's wastewater treatment facilities (See sheet 6 of 6). Soils at the mitigation site would be removed and used as part of the fill for the project site. The bottom of the proposed mitigation site would cover an area of 9,535.5 square feet and side slopes would account for an additional 6,712 square feet (Winzler & Kelly, 1997). Most of the side slopes would exhibit wetlands hydrology. Winzler and Kelly states the actual wetland replacement ratio is expected to be 1.7:1 and in-kind mitigation. The added 6,712 square feet of bank side slopes would be planted with willow trees/shrubs and covered with a layer of sod. The proposed mitigation site is presently a river terrace upland (Elk River floodplain and estuary) dominated by exotic grasses with no tree cover or open water. The site is just south of a previously constructed wetland mitigation area (Corps of Engineers Permit No. 17215N, W & W Mobile Homes; 17214N Pearson Hardware). Existing upland plants at the site include sweet vernal grass (Anthoxanthum odoratum), sheep sorrel (Rumex acetocella), creeping bent grass (Agrostis stolonifera), white clover (Trifolium repens), wild strawberry (Fragaria chiloensis), salt rush (Juncus lesueuri), English plantain (Plantago lanceolata) and sand verbena (Abronia latifolia). The mitigation area is a portion of the Elk River Wildlife Area and is managed by the City of Eureka and California Department of Fish and Game as open space. The area is not anticipated to change in management or use (Winzler & Kelly, 1997)

The upper 6 inches of topsoil at the mitigation site would be brought to the county landfill for daily cover (300 CY). Approximately 1,700 CY of soil would be moved to the development site for the filling of 0.22 acres of seasonal wetland and other portions of the property. In exchange, approximately 4 to 6 inches of substrate from the seasonal wetland area of the project site would be used to cover the flat bottom of the excavated mitigation area and a portion of the side slopes to reduce erosion. The middle 30 percent would be left uncovered with sod to create open water and

natural revegetation. The slope banks of the mitigation site would then be planted with 30 willow cuttings 20 feet on center 3.0 feet long and no less than 1.5 inches thick. Existing seasonal wetland vegetation and soil from the project would spread on the flat basin and side slopes of the mitigation site (Winzler & Kelly, 1997).

With successful implementation of the mitigation plan and subsequent site monitoring, adverse impacts to seasonal wetlands would be reduced from moderate to minor or perhaps a moderate beneficial net gain in seasonal wetlands based on a 1.7 to 1 mitigation ratio.

Copies of the mitigation plan by Winzler & Kelly can be viewed in the Eureka Field Office of the Corps of Engineers or can be obtained from Winzler and Kelly consulting Engineers. Key Federal and state resource agencies will be sent copies of the mitigation/monitoring plan for agency review and comment.

Endangered Species - No impacts to any federally listed endangered species have been indicated at this time. However, should such an impact be identified, the Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as required by Section 7 of the Endangered Species Act.

B. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) PHYSICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Air Quality - The project activity would have minor, short-term impacts on air quality in the vicinity of the project site. Based on the relative minor size of the proposed project and limited to an evaluation of air quality impacts only within Corps of Engineers' (Corps) jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions would not exceed the de minimis threshold levels of 40 CFR 93.153. Therefore, the proposed project would conform to the State air

quality implementation Plan (SIP) for California.

Noise Conditions - There would be short-term, minor, adverse noise impacts during construction at the project site and mitigation area.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Riparian Habitat (Not in Corps Jurisdiction) - The corridor between the existing earthen berm and the city's wastewater treatment plant contains a substantial deciduous woodland (western-most 60 feet of the parcel). Dominant species include a dense tree canopy of coastal willow, pacific willow, red alder, and wax myrtle. This area would not be impacted by the proposed construction.

Other Terrestrial Habitat - The remainder of the parcel besides the 0.22 acres of seasonal wetlands and deciduous woodland contains upland habitat including scattered English plantain, creeping bent grass, cat's ear, sheep sorrel, annual lupine, sweet vernal grass, tufted harigrass, coyote bush, California blackberry, himalaya berry and aster. The earthen berm itself is also part of this upland habitat. Over four acres of this habitat would be impacted by the proposed project, a long-term, major adverse impact in terms of upland habitat. However, this habitat appears to exhibit low use by wildlife with the possible exception of migratory songbirds. The site is predominated by exotic vegetation.

(3) SOCIOECONOMIC CHARACTERISTICS AND ANTICIPATED CHANGES

Aesthetic Quality - The existing open field and wetlands would be converted to a car dealership and service center; an urban conversion. The deciduous woodland and mitigation site would be hidden from the highway or Broadway. From a natural area aesthetic standpoint, this would be a long-term moderate adverse impact on area aesthetics.

Economics - The applicant owns and operates an existing car dealership in the City of Eureka. The parent corporation, Chrysler Corporation, is requiring the applicant to expand and upgrade his facilities to make the dealership more economically viable for the current automobile retail market. This would include relocating and expanding the applicant's retail center. Chrysler Corporation requires the applicant to select a site of a minimum of 4 acres, frontage to a major artery, a 17,000 square foot building minimum and adequate parking. There is the possibility that the applicant could lose his Chrysler franchise if he cannot meet the requirements. Losing the franchise is considered to be a threat to the applicant's business and livelihood. The proposed project as described above would result in a long-term, major, beneficial impact to the applicant although there is no estimate of quantitative economic gain from the project.

Employment - The proposed project would sustain existing employment opportunities for automobile retailers, salesmen, clerical staff, and service (mechanical/electrical) personnel and may result in an increased number of the above employment with construction of the expanded facilities. This would be a long-term, major beneficial impact on employment for the applicant and his employees.

Traffic/Transportation - The proposed new car dealership facility would add to city traffic congestion at the southbound Broadway end of the city. Cars entering and leaving the facility may slow traffic or cause lane changes by passing traffic. The proposed project would thus have a long-term, minor adverse impact on area traffic/transportation.

(4) HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES

A Corps of Engineers archaeologist will be requested to conduct a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted,

and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

d. SUMMARY OF CUMULATIVE IMPACTS

There would be cumulative impacts on Humboldt Bay area freshwater wetlands due to project construction. The proposed car dealership project would result in the loss of 0.22 acres of freshwater wetlands. However, this impact would be mitigated with a 1.7 to 1 ratio by construction/creation of in-kind wetlands on a site west of the city's water treatment plant. If the mitigation is successful, the cumulative loss would become a modest gain in freshwater seasonal wetlands. The proposed project site is surrounded by a variety of development that has been taking place since the 1940's or 1950's. Nearby is Bayshore Mall with mall stores and parking along with a string of retail stores extending south along Broadway. The immediate project area has the city's wastewater treatment plant, W & W Mobile Homes outlet, and mitigation sites for both W & W Mobile Homes and Pearson's Hardware store. These mitigation sites are still being monitored to ensure the habitat remains wetland/riparian habitat. In addition, construction of the new car dealership would have a cumulative impact on traffic circulation in the City of Eureka. The new car dealership would add traffic during business hours possibly slowing down flow of traffic and would add more vehicles to the roadways. There also would be a cumulative increase in economic growth for the retailer, related services for the dealership, and for the city tax base.

e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the information available, the Corps of Engineers has made a preliminary determination that an Environmental Impact

Statement (EIS) would not be necessary for the above proposed project. However, depending on the outcome of public interest review of this project, this determination may be reconsidered if there is new information regarding the impacts of this project. No final decision regarding the need for an EIS can be made until the Final Environmental Assessment (EA) has been completed.

CITATIONS:

1. Winzler & Kelly Consulting Engineers, Wetland Mitigation and Monitoring Plan for APN 019-261-03, February 1998, 20 pp and Biological Survey/Wetlands Delineation and Proposed Mitigation for APN 019-261-03, September 1997, 9 pp.

5. EVALUATION OF ALTERNATIVES:

Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water/wetland dependent. The applicant has submitted an Alternatives Analysis with the permit application. The applicant has concluded that there are no practical alternatives that would be less environmentally damaging after inspecting at least eleven (11) alternative locations for construction of a car dealership within the Arcata/Eureka area. All eleven of these sites were rejected in favor of the above proposed project site for a variety of reasons including access to Highway 101 and exposure to busy traffic, site acquisition costs, availability for purchase and presence of soil contamination with the prospect of costly remediation. A copy of the applicant's Alternatives Analysis can be obtained from the Eureka Field Office of the Corps of Engineers at the address and phone number below or can be obtained from Winzler and Kelly Consulting Engineers (see Page 1 of this Public

Notice). The applicant's current dealership facility is surrounded by development and cannot expand as required by the parent corporation.

6. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

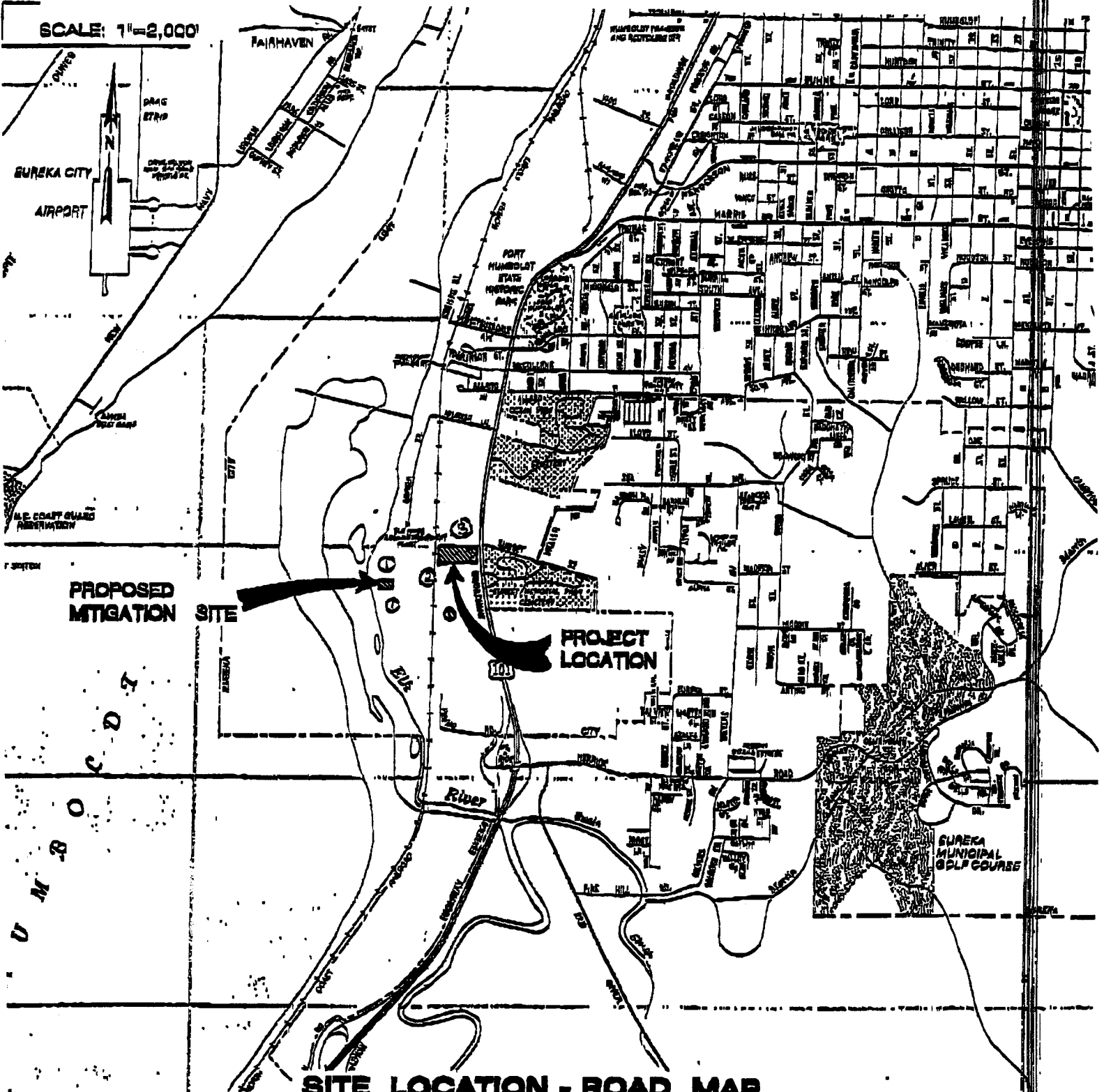
7. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. SUBMISSION OF COMMENTS: Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to: Lieutenant Colonel Richard G. Thompson, District Engineer, Attention: Eureka Field Office, Regulatory Branch, U.S. Army Corps of Engineers, P.O. Box 4863, Eureka, Ca. 95502. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting David A. Ammerman of our Eureka Field Office at telephone 707-443-0855 dammerman@smtp.spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.

PN 23219N

SCALE: 1"=2,000'



SITE LOCATION - ROAD MAP

PURPOSE: AUTO SALES & SERVICE
DATUM: MLLW

ADJACENT PROPERTY OWNERS:

- ① CITY OF EUREKA
- ② NORTH COAST RAILROAD
- ③ W&W TRAILER SALES

IN ISOLATED WETLAND
 AT EUREKA
 COUNTY OF HUMBOLDT
 APPLICATION BY
 GARY BARKER
 SHEET 1 OF 5

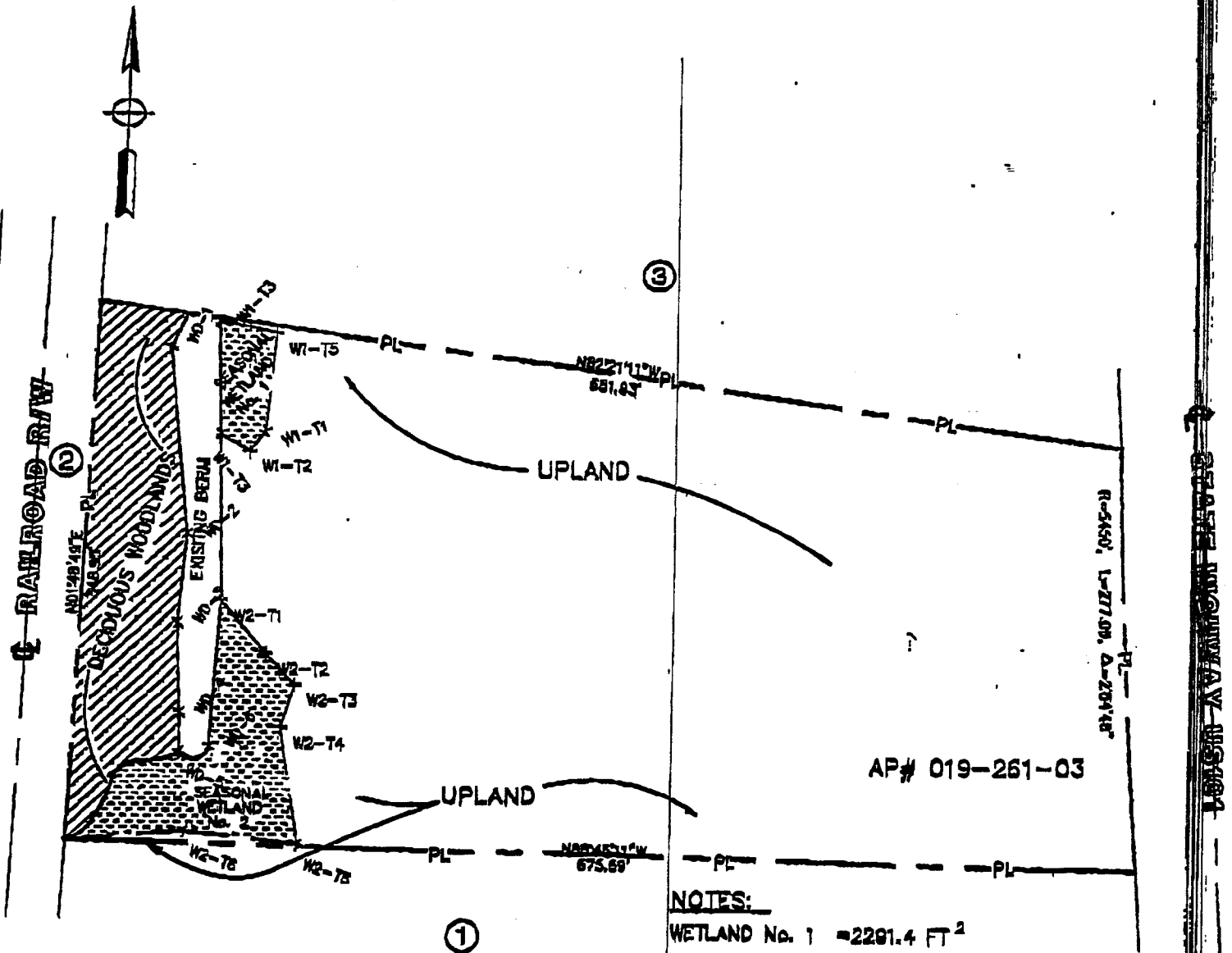
STATE CA

DATE 2/9/98

SCALE: 1"=100'

HORIZONTAL DATUM: 40 SURVEYS 95

PN 23219N



NOTES:

WETLAND No. 1 = 2281.4 FT²

WETLAND No. 2 = 8505.4 FT²

LEGEND:

— PL — PROPERTY LINE
(PROJECT BOUNDARY)
— x — WETLAND BOUNDARY

JURISDICTIONAL AREA

PURPOSE: AUTO SALES & SERVICE

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

① CITY OF EUREKA

③ W&W TRAILER SALES

② NORTH COAST RAILROAD

IN ISOLATED WETLAND
AT EUREKA

COUNTY OF HUMBOLDT

APPLICATION BY

GARY BARKER

SHEET 2 OF 5

STATE CA

DATE 2/8/98

[illegible]

SITE PLAN
SCALE: 1"=100'

-
- PROJECT BOUNDARY
 -WETLAND BOUNDARY
 (VERIFIED BY CORP)
 -WETLAND TO BE
 FILLED
 32.60
 -EXISTING GRADE
 32.60
 -FINISHED GRADE
 A.C. -TOP OF ASPHALT PAVEMENT
 T.C. -TOP OF CURE
 F.L. -FLOW LINE
 G.S. - EXISTING

NOTE:
STRAIGHT GRADE BETWEEN ALL FINISHED GRADES

TAKEN FROM DRAWING BY THOMAS WHITCHURCH, JAN. 1898

PLAN VIEW OF PROJECT

PURPOSE: AUTO SALES & SERVICE

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

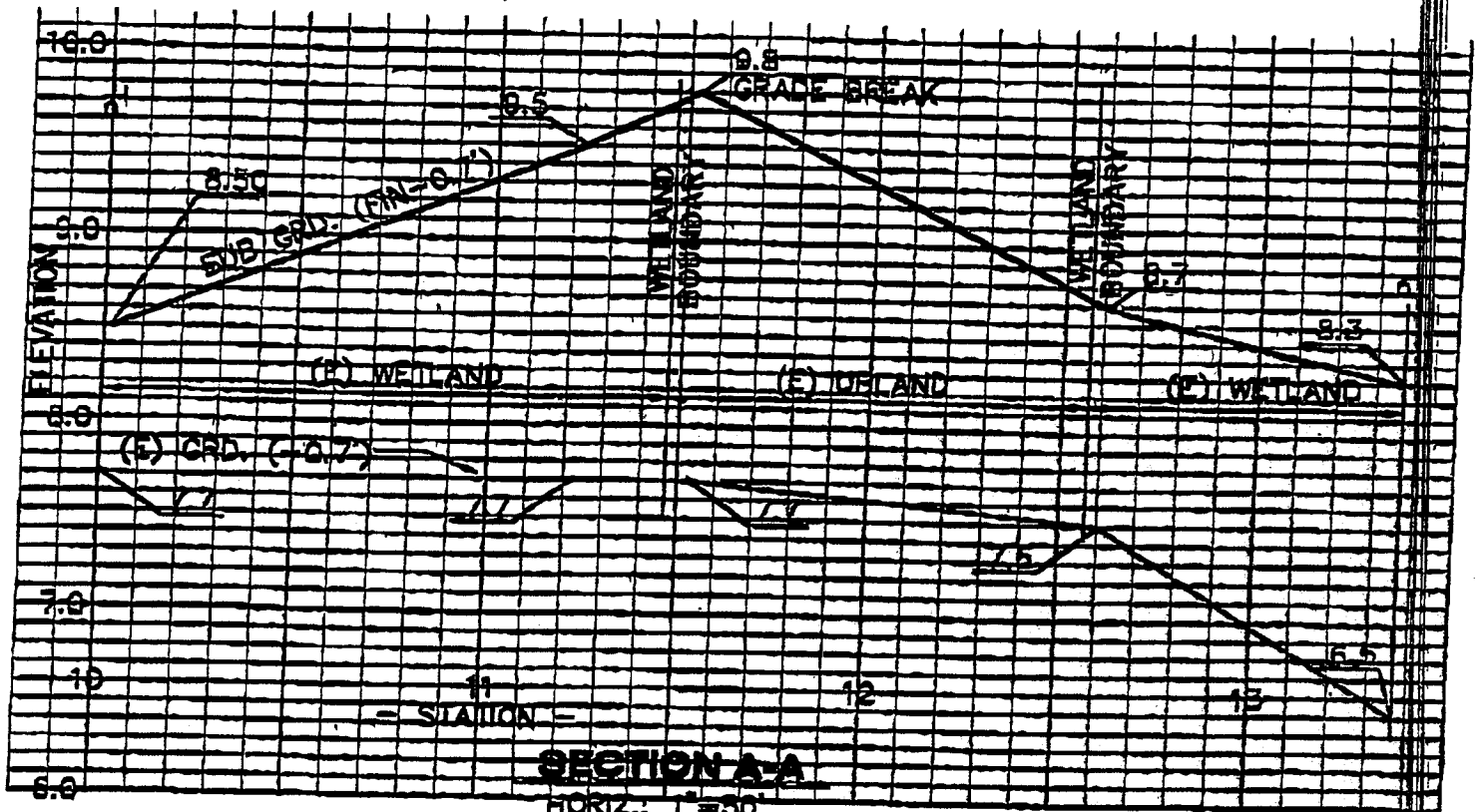
- (1) CITY OF EUREKA (3) W&W TRAILER SALES
(2) NORTH COAST RAILROAD

IN ISOLATED WETLAND
AT EUREKA
COUNTY OF HUMBOLDT
APPLICATION BY
GARY BARKER
SHEET 3 OF 5

STATE CA

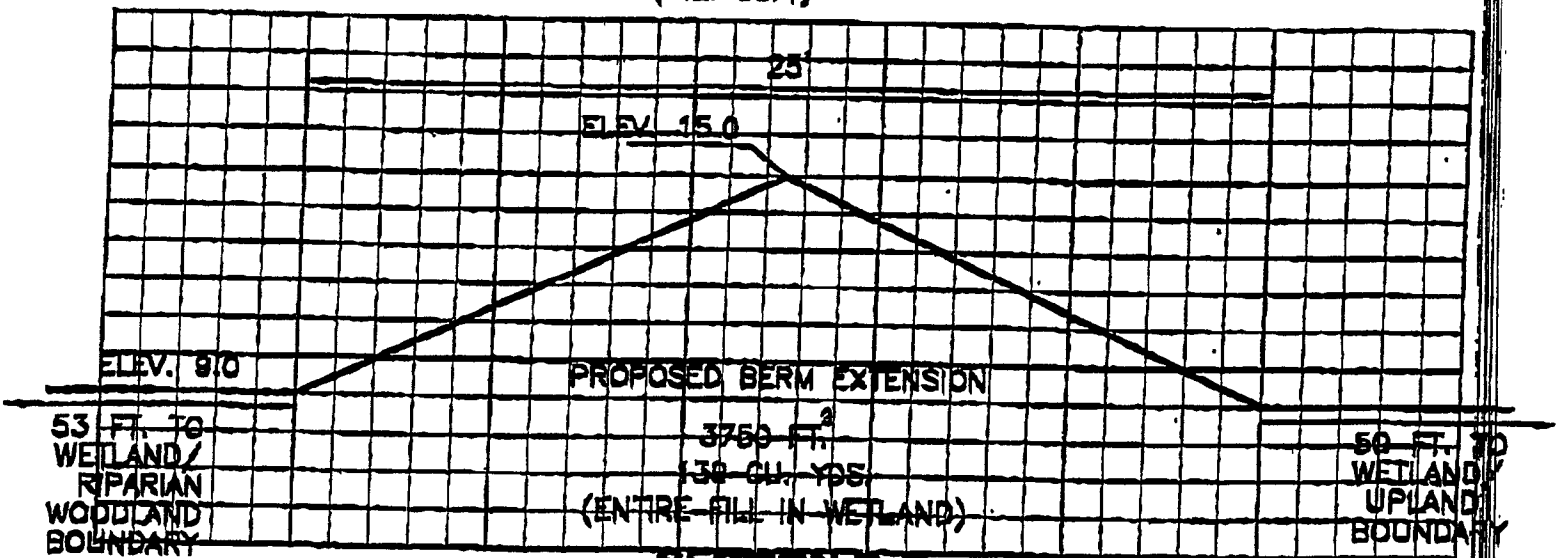
DATE 2/9/98

PM 232191V



SECTION A-A

HORIZ.: 1"=30'
VERT.: 1"=1'
(V.E. 50:1)



SECTION B-B

HORIZ.: 1"=5'
VERT.: 1"=5'

PROFILE VIEW OF FILL IN WETLANDS

PURPOSE: AUTO SALES & SERVICE
DATUM: MLLW

ADJACENT PROPERTY OWNERS:

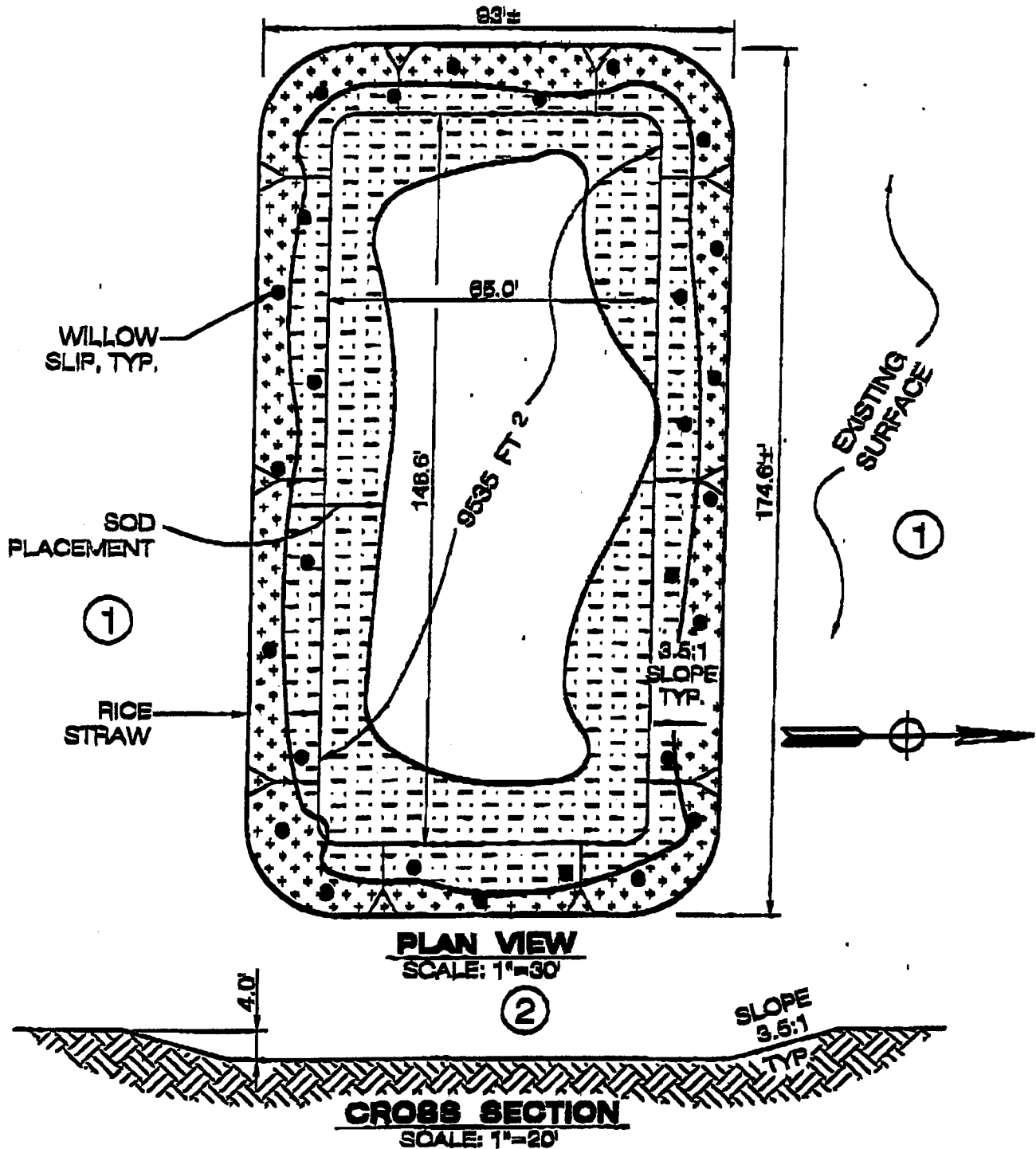
- ① CITY OF EUREKA
- ② NORTH COAST RAILROAD
- ③ W&W TRAILER SALES

IN ISOLATED WETLAND
AT EUREKA
COUNTY OF HUMBOLDT
APPLICATION BY
GARY BARKER
SHEET 4 OF 5

STATE CA

DATE 2/9/88

P2V 23 21912



OFF SITE MITIGATION SITE / BORROW AREA

PURPOSE: AUTO SALES & SERVICE

(See Sheets 1 and 2 for Location)

DATUM: MLLW

ADJACENT PROPERTY OWNERS:

① CITY OF EUREKA

③ W&W TRAILER SALES

② NORTH COAST RAILROAD

IN ISOLATED WETLAND
AT EUREKA

COUNTY OF HUMBOLDT

APPLICATION BY

GARY BARKER

SHEET 5 OF 5

STATE CA

DATE 2/5/98